

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03

H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01

AID-05 CIEP-01 SS-15 STR-04 TAR-01 TRSE-00 PRS-01

SP-02 OMB-01 FEA-01 /097 R

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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

INFO AMEMBASSY STOCKHOLM

USMISSION OECD PARIS

USMISSION EC BRUSSELS

USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, GATT, SW

SUBJECT: NEW SWEDISH IMPORT RESTRICTION ON FOOTWEAR

REF: GENEVA 8123

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1. MISSION REQUESTED TO EXPRESS USG CONCERN AT OCTOBER 31

GATT COUNCIL MEETING OVER SWEDISH INTENTION TO IMPOSE RESTRICTIONS ON IMPORTS OF FOOTWEAR. USREP SHOULD NOT TAKE LEAD IN COMMENTING ON SWEDISH ACTION BUT SHOULD SEEK APPROPRIATE TIME TO MAKE TO FAIRLY LOW KEY STATEMENT. AS MISSION AWARE ESCAPE CLAUSE PETITION ON NON-RUBBER FOOTWEAR CURRENTLY UNDER CONSIDERATION BY ITC. USREP MAY DRAW ON ANY OF THE FOLLOWING POINTS AS APPROPRIATE.

2. ALTHOUGH WE CAN APPRECIATE THAT SWEDEN MIGHT HAVE A NEED TO PROVIDE RELIEF FOR ITS FOOTWEAR INDUSTRY, WE ARE CONCERNED THAT GOS ACTIONS APPEAR TO BE TAKEN ON BASIS OF CLOSED AND SOMEWHAT ARBITRARY PROCEDURES. THEREFORE, CONTRACTING PARTIES THAT WILL BE AFFECTED BY GOS RESTRICTIONS MAY ENCOUNTER SOME DIFFICULTY IN DETERMINING WHETHER INJURY HAS RESULTED AS CONSEQUENCE OF INCREASED IMPORTS OR WHETHER MEASURES ARE REQUIRED ON GROUNDS OF NATIONAL SECURITY. ALSO, GOS PROCEDURES MAKE IT DIFFICULT FOR CP'S TO ASCERTAIN WHETHER OR NOT SWEDEN IS IN CONFORMITY

WITH THE PROVISIONS OF ARTICLE XIX AND XXI.

3. IN CAMERA PROCEDURES DO NOT AFFORD INTERESTED FOREIGN PARTIES, INCLUDING GOVERNMENTS, AN OPPORTUNITY TO EXPRESS THEIR VIEWS REGARDING ACTIONS WHICH WILL AFFECT THEM. USG IS ALSO CONCERNED THAT GOS HAS NOT PLACED EXPRESS TIME LIMITATION ON IMPORT RESTRICTIONS.

4. USG BELIEVES THAT DECISIONS TO IMPOSE RESTRAINTS SHOULD BE GOVERNED BY CLEARLY DEFINED PROCEDURES WHICH PERMIT OBJECTIVE AND IMPARTIAL EVALUATION OF IMPACT OF IMPORTS ON A DOMESTIC ECONOMY OR THE NATIONAL SECURITY. IT IS ALSO IMPORTANT THAT OPPORTUNITY BE AFFORDED TO ALL INTERESTED PARTIES TO EXPRESS VIEWS AND THAT THESE VIEWS BE TAKEN INTO CONSIDERATION IN ANY FINAL DETERMINATION.

5. US (TITLE II OF TRADE ACT OF 1974) LAW SETS FORTH UNAMBIGUOUS CRITERIA FOR DETERMINING, BY AN IMPARTIAL INVESTIGATORY BODY, EXISTENCE OF INJURY CAUSED BY IMPORTS. PUBLIC HEARINGS OPEN TO ALL PARTIES, INCLUDING FOREIGN GOVERNMENTS. IN EVENT OF DECISION THAT IMPORTS ARE LIMITED OFFICIAL USE

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CAUSING INJURY, A FULL REPORT SETTING FORTH REASONS FOR JUDGEMENT IS REQUIRED. IN AN EXAMPLE AFFECTING EXPORTS FROM SCANDINAVIAN COUNTRIES TO THE U.S., THE U.S. INTERNATIONAL TRADE COMMISSION, IN ITS FIRST DECISION UNDER REVISED QUOTE ESCAPE CLAUSE END QUOTE PROVISIONS OF THE TRADE ACT, DETERMINED ON OCTOBER 20 THAT IMPORTS OF QUOTE BIRCH DOORSKINS END QUOTE (PLYWOOD) DID NOT MEET INJURY CRITERIA AND CASE WAS THEREFORE CLOSED. AS REGARDS

NATIONAL SECURITY, SECTION 127 OF THE TRADE ACT SIMILARLY
DELINEATES PROCEDURES AND CRITERIA, AND AFFORDS INTERESTED
PARTIES OPPORTUNITY TO COMMENT ON EFFECTS OF PROPOSED
IMPORT RESTRICTIONS.

6. WE ARE CONCERNED THAT AT A TIME WHEN FOOTWEAR INDUS-
TRIES IN MANY COUNTRIES ARE EXPERIENCING DIFFICULTIES,
GOS INTENDS TO IMPOSE UNILATERAL RESTRICTIONS ON IMPORTS
WITHOUT PRIOR CONSULTATIONS. INGERSOLL

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